

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

F.A.O. No. 5633 of 2014(O&M)

Date of Decision: 15.11.2018

Shano Devi and another

.....Appellants.

Versus

Satbir Singh and others

..... Respondents

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr.Dheeraj Narula, Advocate
for the appellants.

Mr. Vishwajit Bedi, Advocate
for respondent no.3.

LISA GILL, J (Oral).

This appeal has been filed by the appellants, who are parents of the deceased-Surender seeking enhancement of compensation awarded to them by the learned Motor Accident Claims Tribunal, Sirsa, vide impugned award dated 26.02.2014.

As per averments in the claim petition filed under section 166 of the Motor Vehicles Act, on 06.04.2012, Surender (deceased) along with Sandeep (injured) were sleeping on their respective cots in the premises of water works, Sherpura, District Sirsa and the truck in question was also parked in the said premises. On 07.04.2012, at about 6.00.a.m., respondent no.1-Satbir Singh, who was working as driver on the truck in question started the truck and without observing the surroundings started reversing the same and the truck ran over the cot on which late Surender was sleeping. Head of Surender was crushed under the truck and he succumbed to his injuries at the spot. Sandeep Kumar also sustained injuries in the accident in

question. FIR no. 50 dated 07.04.2012, under Sections 279, 337, 304-A IPC, was registered in this respect.

Learned tribunal accepted the claim of the appellants and awarded a total sum of ₹13,48,000/- on account of death of Surender, which is detailed as under:-

1.	Income	₹8000/- p.m.
2.	50% future prospects	₹12,000/- (₹8000/- + ₹4000/-)
3.	Annual dependency after 50%deduction	₹12,000/-x 50% = ₹6000/-i.e. ₹6000x12 =₹72,000/-
4.	Multiplier of 18	₹72,000 x 18 = ₹12,96,000/-
5.	Loss of love and affection	₹25,000/-
6.	Funeral expenses	₹25,000/-
7.	Transportation charges	₹2000/-
	Total	₹13,48,000/-

It is informed that no appeal has been preferred by the Insurance Company.

Learned counsel for the appellants is unable to deny that in terms of the judgement of the Hon'ble Supreme Court in **National Insurance Company Limited Vs. Pranay Sethi and Ors. 2017(4) R.C.R. (Civil) 1009**, 40% increment has to be afforded instead of 50% on account of future prospects. Even, if, his contentions in respect to the enhancement of compensation under the conventional heads for loss of filial consortium are accepted, it cannot lead to any enhancement of the total compensation awarded to appellants-claimants, if it is reworked in terms of the judgement of the Hon'ble Supreme Court as above.

Learned counsel for the appellant is unable to point out any

illegality or infirmity in the impugned award dated 26.02.2014 passed by the learned MACT, Sirsa, which calls for interference by this Court at the instance of the appellants.

Appeal is accordingly dismissed with no order as to costs.

15.11.2018

[LISA GILL]
Judge

s.khan

Whether speaking/reasoned : Yes/No.
Whether reportable : Yes/No.